

## Chapter ILHR 57

## RESIDENTIAL OCCUPANCIES

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Note: Chapter Ind 57 as it existed on December 31, 1981 was repealed and a new ch. Ind 57 was created effective 1-1-82, except for s. Ind 57.16 (2) which is effective 1-1-83; chapter Ind 57 was renumbered to be ch. ILHR 57 effective January 1, 1984.

**Subchapter I — General Standards for Residential Occupancies**

**ILHR 57.001 Scope.** (1) GENERAL. Except as provided in sub. (2), this subchapter applies to all places of abode, including, but not limited to:

- (a) Apartment buildings, residential condominiums, and townhouses, that exceed 60 feet in height or 6 stories;
- (b) Motels;
- (c) Hotels;
- (d) Dormitories;
- (e) Homes for the aged;
- (f) Sheltered facilities for battered women, as specified in s. 46.95, Stats., serving more than 20 occupants;
- (g) Rooming houses;
- (h) Convents and monasteries;
- (i) Community-based residential facilities serving 9 or more unrelated adults; and
- (j) Community-based facilities located in existing buildings serving more than 20 unrelated adults.

Note: See s. ILHR 51.01 (102a) and 51.01 (114a) for definitions of "places of abode" and "rowhouse", respectively.

(2) EXEMPTIONS. The requirements of this subchapter shall not apply to the following:

- (a) One- and 2-family dwellings;

(b) Buildings or motels, tourist courts and similar occupancies having separate buildings containing not more than 2 rental units each;

(c) Migrant labor camps;

(d) Health care facilities;

(e) Places of detention;

(f) Community-based residential facilities constructed on or after the effective date of this section and serving 3 to 8 unrelated adults;

(g) Community-based residential facilities, serving 9 to 20 unrelated adults, located in existing buildings as specified in ss. ILHR 61.001 (1) and 61.01 (7);

(h) Sheltered facilities for battered women, as specified in s. 46.95, Stats., serving 20 or less occupants as specified in s. ILHR 61.001 (3);

(i) Bed and breakfast establishments as defined in s. ILHR 51.01 (11a); and

(j) Multifamily dwellings within the scope of ch. ILHR 66.

Note: See chs. ILHR 20-25, Uniform Dwelling Code for requirements regarding one- and 2-family dwellings. The requirements of chs. ILHR 20-25 also apply to newly constructed community-based residential facilities serving 3 to 8 unrelated adults.

Note: See ch. ILHR 301, for requirements regarding migrant labor camps.

History: Cr. Register, December, 1981, No. 312, eff. 1-1-82; am. Register, October, 1982, No. 322, eff. 11-1-82; am. (1), Register, December, 1983, No. 336, eff. 1-1-84; cr. (2) (i), Register, August, 1985, No. 356, eff. 1-1-86; r. and recr. (1), am. (2) (intro.), Register, April, 1994, No. 460, eff. 5-1-94; am. (1) and (2) (g) to (i), cr. (2) (j), Register, March, 1995, No. 471, eff. 4-1-95.

**ILHR 57.01 Construction. (1) GENERAL.** For the purpose of determining the maximum height and area of buildings and structures within the scope of this chapter, the building construction shall be classified in accordance with the construction standards as specified in s. ILHR 51.03.

**Note:** See ss. HSS 3.40-3.65, Wis. Adm. Code, for additional construction requirements pertaining to community-based residential facilities.

**(2) LIVING UNIT SEPARATION.** (a) Each living unit, except rowhouse units as specified in s. ILHR 51.01 (114a), shall be separated from other living units, common use areas and from the exit access corridors by construction protected with at least the equivalent of one layer of ½-inch Type X gypsum wallboard with taped joints.

1. The fire-protective membrane shall be provided on both sides of walls and on the ceiling beneath the floor construction providing the separation. The membrane shall be fastened to the framing or suspended in the manner as required for one-hour fire-resistive rated assemblies.

2. The membrane protection may be omitted on the ceiling of the top-most story if firestopping as specified in s. ILHR 53.63 (1) (d) is provided at the intersection of the living unit separation walls and the roof.

**Note:** See s. ILHR 51.03 for building elements required to have fire-resistive ratings to satisfy class of construction standards.

**Note:** This section is intended to apply to living unit separations only. The design and construction of required fire-resistive rated construction for stairway enclosures, hazardous occupancy separations, exit corridors, isolation of hazards enclosures, vertical division walls, fire division walls and other rated construction is governed by ss. ILHR 51.043 to 51.046.

(b) Doors separating one hotel or motel living unit from another shall have a ¾-hour fire-resistive rating. Where 2 doors are provided in one frame, only one of the doors is required to be rated. The connecting doors are not required to be equipped with self-closing devices.

**(3) BASEMENT AND GROUND FLOOR PROTECTION.** (a) Except as provided in par. (b), the ceiling of all spaces, except those within individual living units and crawl spaces located below the first story of all residential buildings, shall be protected with at least the equivalent of one layer of ½-inch type X gypsum wallboard with taped joints.

(b) This subsection shall not apply to buildings where such spaces are protected by an approved automatic sprinkler system.

**(4) GARAGE SEPARATIONS.** A residential occupancy shall be separated from a storage garage or repair garage in accordance with s. ILHR 51.08.

**History:** Cr. Register, December, 1981, No. 312, eff. 1-1-82; am. (4) (b) and (c), cr. (4) (d), Register, December, 1983, No. 336, eff. 1-1-84; r. and recr. (2), Register, August, 1985, No. 356, eff. 1-1-86; am. (2) (a) 2. and (3) (a), r. and recr. (4), Register, March, 1991, No. 423, eff. 4-1-91; cr. (2) (b), Register, January, 1994, No. 457, eff. 2-1-94.

**ILHR 57.015 Height of first floor above grade for sheltered facilities for battered women.** The elevation of the first floor and the sills of all required exit discharges from the first floor for existing buildings to be converted to sheltered facilities for battered women shall be at or not more than 6 feet above an exit discharge grade.

**History:** Cr. Register, December, 1983, No. 336, eff. 1-1-84.

**ILHR 57.016 Automatic fire sprinkler protection. (1) A building more than 60 feet in height shall be protected**

throughout the entire building in accordance with ss. ILHR 52.01 and 51.23, except that the sprinklers within the living units shall be residential type conforming to NFPA 13R, installed in accord with the recommendations and requirements of the manufacturer.

(2) A building less than 60 feet in height which provides housing for the elderly shall be protected by either:

(a) An automatic fire sprinkler system conforming with NFPA 13R, provided the building does not exceed 4 stories in height; or

(b) An automatic fire sprinkler system conforming with NFPA 13, except that the sprinklers within the living units shall be residential type conforming to NFPA 13R, installed in accord with the recommendations and requirements of the manufacturer.

**Note:** See s. ILHR 51.01 (71e) for the definition of "housing for the elderly".

**History:** Emerg. cr. eff. 9-6-86; cr. Register, November, 1986, No. 371, eff. 12-1-86; r. and recr. Register, March, 1991, No. 423, eff. 4-1-91; am. (1) and (2) (b), Register, January, 1994, No. 457, eff. 2-1-94.

**ILHR 57.02 Allowable height and area. (1) GENERAL.** Buildings and structures within the scope of this chapter shall not exceed the height and area limitations specified in this section.

**(2) ALLOWABLE INCREASE IN FLOOR AREAS. (a) Limited area ch. ILHR 57 buildings.** 1. Chapter ILHR 57 buildings not protected by automatic fire sprinkler systems as specified in s. ILHR 57.016 may not exceed the height and area limitations specified in Table 57.02-1.

2. A building may not exceed the height and area limitations specified in Table 57.02-2 if the building is protected by an automatic fire sprinkler system conforming with NFPA 13R.

**Note:** NFPA standard 13R applies only to buildings 4 stories or less in height.

3. A building may not exceed the height and area limitations specified in Table 57.02-3 if the building is protected by an automatic fire sprinkler system conforming with NFPA 13, except that the sprinklers within the living units shall be residential type conforming to NFPA 13R, installed in accord with the recommendations and requirements of the manufacturer.

(b) *Vertical division wall separations.* 1. No building shall be limited in area when divided into sections which do not exceed the maximum areas tabulated in this section by vertical division walls. Such vertical division walls shall extend from the foundation or the first floor level if the floor construction and supporting elements are of 3-hour rated non-combustible construction, to the underside of the roof deck and shall have at least the following fire-resistive ratings:

- a. 2-hour for type 4, 5A, 5B, 7 and 8 construction;
- b. NC-2 hour for type 3 and 6 construction; and
- c. NC-3 hour for type 1 and type 2 construction.

2. All openings in such walls shall be protected by fire-rated door assemblies as specified in s. ILHR 51.047. The doors protecting openings in such walls located in public

2. Where automatic fire sprinkler system protection as specified in s. ILHR 57.016 is provided an increase in exit distance to 150 feet will be permitted.

(b) The exit distances required by this section shall be measured to exits to grade, to doors leading to stairway enclosures as specified in ss. ILHR 51.165, 51.17 and 51.18, or to horizontal exits as specified in s. ILHR 51.19.

(4) **EXITS FOR NONRESIDENTIAL PORTIONS OF BUILDINGS.** Exits serving portions of buildings without sleeping rooms or living units (i.e., basements of apartment buildings, hotel lobbies, and similar areas) shall be provided in accordance with the appropriate occupancy chapter, chs. ILHR 54 to 62, which may govern.

(5) **DIRECTIONS FOR ESCAPE.** An exiting diagram shall be conspicuously posted in every habitable room to be used by transients, including but not limited to those habitable rooms of hotels, motels, rooming houses and dormitories. The exit diagram shall depict the location of the room with respect to other rooms and at least 2 exits.

**History:** Cr. Register, December, 1981, No. 312, eff. 1-1-82; am. (1), Register, August, 1985, No. 356, eff. 1-1-86; emerg. renum. (2) (a) to be (2) (a) 1., cr. (2) (a) 2., eff. 9-6-86; renum. (2) (a) to be (2) (a) 1., cr. (2) (a) 2., Register, November, 1986, No. 371, eff. 12-1-86; r. and recr. (1) (a) and (b) and (5), renum. (2) to (5) to be (3), (2), (5), and (4) and am. (4), Register, March, 1991, No. 423, eff. 4-1-91; am. (1) (b), Register, January, 1994, No. 457, eff. 2-1-94; correction in (3) (a) 2. made under s. 13.93 (2m) (b) 7, Stats., Register, January, 1994, No. 457.

**ILHR 57.04 Capacity of buildings and exits. (1) BUILDINGS.** (a) *Sleeping areas.* The capacity of the habitable rooms of the living units of the building, other than a community-based residential facility, shall be established as follows:

1. 400 cubic feet for each occupant over 12 years of age; and

2. 200 cubic feet for each occupant 12 years of age or under.

(b) *Minimum size.* The size of habitable rooms shall provide the minimum volumes specified in par. (a).

(c) *Nonsleeping areas.* The capacity of the areas not within the living units of the building shall be established as specified in s. ILHR 54.05 or 55.06.

(d) *Overcrowding.* The number of occupants permitted in any room or in the building shall not exceed the capacities specified in this section.

(2) **COMMUNITY-BASED RESIDENTIAL FACILITIES.** (a) *Facilities serving 9 to 20 residents.* The minimum size of resident bedrooms in community-based residential facilities serving 9 to 20 residents shall be as follows:

1. Sixty square feet of habitable floor space per ambulatory resident;

2. Eighty square feet of habitable floor space per semiambulatory or nonambulatory resident in multiple bed sleeping rooms; and

3. One hundred square feet of habitable floor space per semiambulatory or nonambulatory resident in single bed sleeping room.

(b) *Facilities serving more than 20 residents.* The minimum size of resident bedrooms in community-based resi-

dential facilities serving more than 20 residents shall be as follows:

1. Eighty square feet of habitable floor space per ambulatory resident;

2. Eighty square feet of habitable floor space per semiambulatory and nonambulatory resident in multiple bed sleeping rooms; and

3. One hundred square feet of habitable floor space per semiambulatory and nonambulatory resident in single bed sleeping rooms.

(c) *Nonsleeping rooms.* In addition to the floor areas required under pars. (a) and (b), a community-based residential facility shall provide habitable floor space, other than sleeping rooms of not less than:

1. Sixty square feet in area for each ambulatory resident;

2. Ninety square feet in area for each semiambulatory resident; and

3. Ninety square feet in area for each nonambulatory resident.

(3) **EXITS.** The total required exit width from each level of the building shall be as specified in ss. ILHR 51.15 (6) and 51.16 (3).

**History:** Cr. Register, December, 1981, No. 312, eff. 1-1-82; cr. (2) (c), Register, March, 1991, No. 423, eff. 4-1-91.

**ILHR 57.05 Type of exits. (1) GENERAL.** Except as provided in sub. (2), at least one-half of the required exits, accessible from each living unit, shall be exits to grade or stairways as specified in ss. ILHR 51.15 and 51.16. The remaining exits shall be either stairways, interior enclosed stairways, exits to grade or horizontal exits. Fire escapes placed against blank walls may be used as exits from floors which are not more than 40 feet above grade.

(2) **EXCEPTIONS.** (a) Every building which accommodates more than one family, or 8 persons, above the second story shall have at least 2 stairways.

(b) A rescue platform of combustible construction may be used as a required second exit for buildings of type 5 through type 8 construction, provided the following conditions are satisfied:

1. The exit serves a single living unit;

2. The exit platform is located not more than 15 feet above the adjacent exit discharge grade;

3. The platform area is at least 14 square feet, with a minimum dimension of 3 feet;

4. The platform is designed for 80 pounds per square foot live load plus dead load;

5. Railings are provided as specified in s. ILHR 51.162;

6. Platforms having solid floors are provided with a roof equal in area to that of the platform;

7. All wood used in the construction of the rescue platform shall be pressure treated wood satisfying the requirements of the applicable standards specified in s. ILHR 53.63 (6) unless the wood is inherently resistant to decay; and

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8. The building is not a residential care facility, group foster home or home for the elderly.

**History:** Cr. Register, December, 1981, No. 312, eff. 1-1-82; am. (2) (b) (intro.) and 6., renum. (2) (b) 7. to be (2) (b) 8., cr. (2) (b) 7., Register, December, 1983, No. 336, eff. 1-1-84; am. (2) (b) (intro.) and 7., Register, March, 1991, No. 423, eff. 4-1-91; am. (2) (b) 2., Register, March, 1995, No. 471, eff. 4-1-95.

**ILHR 57.06 Doors.** (1) **EXIT DOORS.** Exit doors shall be as specified in s. ILHR 51.15, except:

(a) Sliding glazed patio-type doors may serve as the second exit from individual living units, provided there is a means to prevent accumulation of snow and ice in the door track or freezing of the door; and

(b) A door which is used by not more than 25 persons is not required to swing in the direction of egress.

(2) **OPENINGS INTO CORRIDORS.** All doors from living units opening into public exit access corridors shall be protected by at least 20-minute labeled fire-door assemblies. Such doors shall be self-closing.

(3) **ACCESS DOORS.** Exit access doors from individual living units shall be at least 3 feet 0 inches in width.

**History:** Cr. Register, December, 1981, No. 312, eff. 1-1-82; r. and recr. (1), am. (2), cr. (3), Register, March, 1991, No. 423, eff. 4-1-91.

**ILHR 57.07 Steps, stairs and shafts.** (1) **EXTERIOR STAIRS.** Exterior stairs shall be as specified in s. ILHR 51.16, except that less than 3 steps may be provided between exterior platforms and grade serving only apartments, row houses and town houses, and the platforms or treads between such risers do not exceed 5 feet 0 inches in length in the direction of travel.

(2) **INTERIOR STAIRS.** (a) Interior stairs used by not more than 25 persons shall be not less than 3 feet wide.

(b) Common use interior stairs and steps not provided along an accessible route as specified in s. ILHR 57.82 shall comply with s. ILHR 51.16 (4), except the stairs and steps shall have a rise not more than 7½ inches and a tread not less than 9½ inches, measured from tread to tread and from riser to riser.

**Note:** See s. ILHR 57.77 (5) for definition of "common use".

(3) **CHANGES OF ELEVATION WITHIN INDIVIDUAL LIVING UNITS.** (a) Changes of elevation within the living unit shall be overcome by means of steps, stairs or ramps and shall be as specified in s. ILHR 21.04, except a spiral stairway as specified in s. ILHR 51.16 (7) may serve as the only exit from floor levels within an individual living unit, if the floor level served is no larger than 400 square feet in net area.

**Note:** See appendix for a reprint of s. ILHR 21.04.

(b) A spiral stairway as specified in s. ILHR 51.16 (7) may serve as the only exit from floor levels within an individual living unit, if the floor level served is no larger than 400 square feet.

**History:** Cr. Register, December, 1981, No. 312, eff. 1-1-82; r. and recr. (3), Register, August, 1985, No. 356, eff. 1-1-86; r. and recr. (3) (a), Register, March, 1991, No. 423, eff. 4-1-91; renum. (2) to be (2) (a), cr. (2) (b), Register, April, 1994, No. 460, eff. 5-1-94.

**ILHR 57.08 Enclosure of interior stairways and shafts.** (1) **APPLICATION.** Except as provided in sub. (2), all stairways, including landings, ramps and shafts, shall be enclosed as specified in s. ILHR 51.02 (11) with fire-resistive rated construction as specified in Table 51.03-A.

(2) **EXCEPTIONS.** (a) The exit access stairway or shaft connecting the first and second floor in residential buildings 2 stories or less in height may be left open in the following applications providing the conditions specified in par. (b) are satisfied:

1. Buildings having not more than 4 individual living units per floor each of which is served by 2 or more means of egress; or

2. A building which is used as a rooming house, dormitory or congregate living facility and which has a maximum occupancy limit of 16 persons per floor.

(b) 1. Every exit access stairway or shaft to the basement or ground floor is cut off at the first floor or first adjacent basement or ground floor level with fire resistive construction as specified in Table 51.03-A or better; and

2. The distance to an exit, including the horizontal travel distance on the exit stair, does not exceed 50 feet in buildings not completely protected with an automatic fire sprinkler system or 75 feet in buildings completely protected as specified in s. ILHR 57.016 (1) (b).

**History:** Cr. Register, December, 1981, No. 312, eff. 1-1-82; am. Register, October, 1982, No. 322, eff. 11-1-82; emerg. am. (2) (b) 2., eff. 9-6-86; am. (2) (b) 2., Register, November, 1986, No. 371, eff. 12-1-86; r. and recr. (2) (a) 2., Register, March, 1991, No. 423, eff. 4-1-91.

**ILHR 57.09 Passageways.** (1) **WHERE REQUIRED.** Where there is not direct access to outside exit doors, safe and continuous passageways, aisles or corridors leading directly to every exit shall be maintained at all times on all floors of all buildings.

(2) **MINIMUM WIDTH.** Every public passageway leading from an exit shall be at least as wide as the required width of the exit as specified in s. ILHR 51.15 (6), but in no case shall the width be less than 3 feet.

(3) **WIDTH DETERMINATION.** Widths shall be measured in the clear, at their narrowest points produced by any projection, radiator, pipe or other object.

(4) **MAINTENANCE.** The required width shall be kept clear and unobstructed at all times.

**History:** Cr. Register, December, 1981, No. 312, eff. 1-1-82.

**ILHR 57.10 Illumination of exits and exit signs.** (1) **ILLUMINATION.** (a) Buildings having more than 4 living units or accommodating more than 30 persons or accommodating transients shall have public passageways, stairways and exit doors illuminated from one hour after sunset to one hour before sunrise.

(b) The illumination requirements specified in par. (a) shall be provided at all intersections or passageways, at all exits and at the head, foot and landing of every stairway.

(2) **EXIT LIGHTS.** (a) Except as provided in par. (b), every required exit, from each floor shall be indicated by an approved illuminated, exit sign.

(b) 1. Exits within an individual living unit need not be provided with exit signs.